

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DARREN TAYLOR, :  
Petitioner,  
v. : Case No. 3:16-cv-101  
TOM SCHWEITZER, Warden, : JUDGE WALTER H. RICE  
Lebanon Correctional Institution,  
Respondent. :

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DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #3) AND  
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #7);  
OVERRULING PETITIONER'S OBJECTIONS THERETO (DOCS. ##5,  
10); DISMISSING PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS (DOC. #2) WITH PREJUDICE; DENYING  
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN FORMA  
PAUPERIS*; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND  
AGAINST PETITIONER; TERMINATION ENTRY

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Based on the reasoning and citations of authority set forth by United States  
Magistrate Judge Michael R. Merz in his Report and Recommendations (Doc. #3),  
and his Supplemental Report and Recommendations (Doc. #7), as well as upon a  
thorough *de novo* review of this Court's file and the applicable law, the Court  
ADOPTS said judicial filings in their entirety, and OVERRULES Petitioner's  
Objections thereto (Docs. ##5, 10).

The only ground for relief asserted in the Petition Under 28 U.S.C. § 2254  
for Writ of Habeas Corpus (Doc. #2) is barred by *Stone v. Powell*, 428 U.S. 465

(1976). Petitioner's claims of ineffective assistance of counsel are not currently, nor have they ever been, before the Court. Accordingly, the Court DISMISSES WITH PREJUDICE the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. #2).

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Petitioner is denied a certificate of appealability, and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 5, 2016



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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

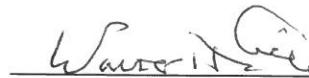
(1976). Petitioner's claims of ineffective assistance of counsel are not currently *nor have* before the Court. Accordingly, the Court DISMISSES WITH PREJUDICE the *they ever been* Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. #2).

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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE